

**UNITED STATES DISTRICT COURT
FOR THE FIRST DISTRICT OF MASSACHUSETTS**

LISA BELANGER AND DONALD BELANGER,
Plaintiffs

v.

GODFREY HULL AND
BSP TRANS., INC.,
Defendants

COMPLAINT

Parties

1. The Plaintiff, Lisa Belanger, is an individual residing at 438 Summer Street, North Andover, Massachusetts.
2. The Plaintiff, Donald Belanger is an individual residing at 438 Summer Street, North Andover, Massachusetts, and, at all time relevant to this action, is the legal and lawful husband of Plaintiff Lisa Belanger.
3. The Defendant, Godfrey Hull, is an individual residing at 20 Elaine Street, Newport, New Hampshire.
4. The Defendant, B S P Trans, Inc., is a duly organized New Hampshire corporation, with its usual place of business at 2500 Liberty Drive, Londonderry, New Hampshire.

Jurisdiction

5. There is complete diversity of citizenship between the Plaintiffs and the Defendants in this matter.
6. The amount at controversy in this matter exceeds \$75,000, exclusive of interest and costs. Diversity of

citizenship, with the amount at controversy exceeding \$75,000, gives this Court jurisdiction pursuant to 28 U.S.C. § 1332.

7. Venue is proper in this judicial district because the events giving rise to this claim occurred within this judicial district.

Facts

8. On May 2, 2008 the Plaintiff Lisa Belanger was the driver of a white Dodge van.
9. On that date, Plaintiff was operating her vehicle on Route 16 Eastbound, Medford, Massachusetts.
10. At approximately 8:35 pm, Plaintiff was seat-belted and completely stopped at a red light.
11. On that date, Defendant Godfrey Hull was the driver of a Mack tractor and trailer.
12. On that date, Defendant Hull was operating a tractor trailer owned by B S P Trans, Inc.
13. On that date, Defendant Hull failed to maintain reasonable control of the tractor trailer.
14. On that date, Defendant Hull failed to stop properly.
15. On that date, Defendant Hull struck the rear end of Plaintiff's car.
16. Defendant's tractor trailer hit Plaintiff's vehicle so hard as to push it completely through the intersection.

COUNT I

Negligence

17. Defendant Godfrey Hull owed a duty to exercise reasonable care in the operation of his tractor trailer.
18. Defendant Godfrey Hull breached his duty by failing to operate his tractor trailer in a safe and careful manner.
19. As a direct and proximate result of Defendant Godfrey Hull's careless and negligent driving, Plaintiff Lisa Belanger was severely injured, was caused to suffer and continues to suffer great pain, was caused to incur medical expenses and out-of-pocket expenses, and was caused to be unable to carry out many of her daily activities, all to her great damage.
20. As a direct and proximate result of Defendant Godfrey Hull's careless and negligent driving, Plaintiff Lisa Belanger has incurred medical expenses in excess of \$2,000 for medical care.

COUNT II

Negligent Entrustment

20. At all times relevant, the Defendant, B S P Trans., Inc., as owner of the vehicle operated by Defendant Godfrey Hull, owed a duty to the Plaintiff to ensure that the tractor trailer owned by the Defendant, B S P Trans., Inc., was operated in a safe and reasonable manner.
21. The Defendant, B S P Trans., Inc., breached this duty of care by allowing the Defendant, Godfrey Hull, to operate the tractor trailer in a negligent and reckless manner, causing it to rear end the van which the Plaintiff Lisa Belanger was driving.
22. As a direct and proximate result of the Defendant B S P Trans., Inc.'s negligent entrustment of its vehicle, the Plaintiff has suffered permanent injuries, great pain and suffering, mental anguish, lost wages and/or diminished earning capacity, and past, present and future medical expenses.

COUNT III

Agency

23. On May 2, 2008, Defendant Godfrey Hull was operating the tractor trailer of Defendant B S P Trans., Inc. as an agent, servant, and/ or employee of B S P Trans., Inc.
24. Defendant Godfrey Hull was operating the tractor trailer under the control and supervision of Defendant B S P Trans., Inc.
25. Defendant Godfrey Hull was operating the tractor trailer within the scope of his employment at Defendant B S P Trans., Inc.
26. As a direct and proximate result of the negligence of its agent, servant, and/or employee, Defendant B S P Trans., Inc. is responsible for the negligent acts of Defendant Godfrey Hull and the damages sustained by Plaintiffs.

COUNT IV

Loss of Consortium

27. At the time of the accident, the Plaintiffs, Lisa Belanger and Donald Belanger, were married and today continue to be married.
28. As a result of the negligent acts of the Defendants, the Plaintiffs were caused to suffer, continue to suffer, and will suffer in the future, loss of consortium, loss of society, affection, assistance, and conjugal fellowship, all to the detriment of their marital relationship.
29. The damages from the loss of consortium were caused directly and proximately by the negligence of the Defendants.

DEMAND FOR RELIEF

Plaintiffs, Lisa Belanger and Donald Belanger, demand judgment against Defendants, Godfrey Hull and B S P Trans, Inc., in the amount of their damages, together with interest and costs of

this action, including attorney's fees and any other relief this Court deems appropriate.

TRIAL BY JURY

Plaintiffs demand trial by jury on all counts.

Respectfully submitted,

Lisa Belanger and
Donald Belanger

By Attorney,

/s/ Lisa Belanger

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